

**Application No.: 10/589,966**

**REMARKS**

**I. Introduction**

In response to the pending Office Action, Applicants have incorporated the limitations of claim 2 into claim 1 and have cancelled claim 2, without prejudice. Claim 3 has been amended to overcome the § 112 rejections. Claim 9 has been amended to reflect the cancellation of claim 2. In addition, Figs. 4, 9 and 10 have been amended to overcome the objections to the drawings. Applicants note that adding text inside the boxes in Fig. 4 would require text to small to see. As such, Applicants have included a table matching reference numerals with the elements to comply with the Examiner's request. No new matter has been added.

Applicants respectfully submit that all pending claims are patentable over the cited prior art for the reasons set forth below.

**II. The Rejection Of Claims 1-9 Under 35 U.S.C. § 102**

Claims 1 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al. (USP No. 6,029,516) and claims 1-9 are rejected under 35 U.S.C. § 102(b) as being anticipated by Akimoto et al. (USP No. 6,282,957). As the limitations of claim 2 have been incorporated into claim 1, Applicants will address the rejection of claim 2 over Akimoto. Applicants respectfully submit that Akimoto fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, claim 1 recites, in-part, an angular velocity sensor having a driving portion which includes a piezoelectric film on which at least upper electrodes are spaced and a driving portion which includes a piezoelectric film on which at least upper

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electrodes are spaced from each other across the center of at least one principal surface of at least one of the arms of the tuning fork type oscillator.

In contrast to the present invention, Akimoto fails to disclose an angular velocity sensor having a driving portion which includes at least one piezoelectric film on which the upper electrodes are spaced. Nor does Akimoto disclose a detecting portion that includes at least one piezoelectric film on the arms of the tuning fork having an electrode on both sides. Nor has the Examiner alleged that Akimoto discloses these elements. The Examiner has merely alleged that the figures and specification contain "different arrangements and configurations of the electrodes and piezoelectric films as claimed in [claims 2-9]", without pointing out where these arrangements, configurations or piezoelectric films are located in the figures or specification. The Examiner has simply cited the entire specification and all of the figures for support of these allegations.

However, as can be seen, for example, in Fig. 1 and the related portions of the reference (col. 5, lines 13-25), the driving portion 11, 12 of the velocity sensor of Akimoto does not include a piezoelectric film. Nor does Akimoto teach or suggest a piezoelectric film on which the upper electrodes are spaced or on the detecting portion on the arms of the tuning fork. As such, Akimoto does not teach or suggest the claim elements recited above. Nor is Mori relied upon to remedy this deficiency. As such Applicants submit that Akimoto fails to teach or suggest each of the limitations of claim 1.

As the Examiner is aware, anticipation under 35 U.S.C. § 102 requires that each element of the claim in issue be found, either expressly described or under principles of inherency, in a single prior art reference, *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 USPQ 781 (Fed. Cir. 1983). As Akimoto fails to disclose an angular velocity sensor having a driving portion

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includes a piezoelectric film on which at least upper electrodes are spaced and a driving portion which includes a piezoelectric film on which at least upper electrodes are spaced from each other across the center of at least one principal surface of at least one of the arms of the tuning fork type oscillator, it is clear that Akimoto fails to anticipate claim 1. Therefore, it is respectfully requested that the rejection of claim 1 under § 102 be withdrawn.

**III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

**IV. Conclusion**


Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

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Respectfully submitted,

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**AMENDMENTS TO THE DRAWINGS:**

Figs. 9 and 10 have been amended to include the legend "Prior Art" to indicate that they represent prior art. In addition, Fig. 4 has been amended to include descriptions of the box elements. Two (2) replacement sheets are attached.